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December 16, 2004

Re: STB Finance Docket No. 34608- Ohio Valley Railroad Company and Mid America Locomotive and Car Repair, Inc. Petition for Expedited Relief for Service Emergencies

Hon. Vernon A. Williams  
Secretary, Surface Transportation Board  
Mercury Bldg., #711  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

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DEC 1 2004  
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Dear Sir:

The purpose of this letter is to report on efforts by our client, Ohio Valley Railroad Company ("OVR") to negotiate a standard interchange agreement with Indiana Southwestern Railroad ("ISW"). ISW has taken the position, completely without justification, that it will not reinstall the switch connections from its lines to the rail facilities of OVR without the execution of an interchange agreement. Without waiving any of its claims or interest in the above captioned proceeding, OVR, in a good faith attempt to resolve this matter submitted a standard interchange agreement to counsel for ISW on November 24, 2004 which provides for interchange with ISW on the tracks of OVR in Harwood Yard. Despite recurring promises to send a red lined proposal to OVR, to date nearly three weeks later no such document has been received by OVR nor has any explanation been provided for this delay.

The deprivation of rail service caused by the actions of ISW has seriously impacted OVR rail operations and the business of Mid-America Locomotive and Car Repair, Inc. While OVR is prepared to proceed with a negotiated resolution of this matter, it is entirely inappropriate for ISW to refuse to reinstall its switch connections and to hold OVR and Mid-America hostage while ISW delays negotiation of an interchange

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agreement. In light of these circumstances, OVR respectfully requests that the Board expeditiously address its Petition for Relief.

Very truly yours,

VUONO & GRAY, LLC



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Attorney for Ohio Valley Railroad Company  
and Mid-America Locomotive and Car  
Repair, Inc.

RRW/bab

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